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ROBERT M. FLEISCHER
ADMITTED IN CONNECTICUT AND NEW YORK

September 16, 2005

Via CM/ECF Electronic Docketing Only

The Honorable Richard G. Stearns
The John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

**Re: Robert I. Hanfling *et al.* v. Epstein Becker & Green P.C. *et al.*;
Civil Case No. 1:05-CV-10077-RGS**

Dear Honorable Sir:

We represent Robert I. Hanfling, Chapter 7 Trustee in Bankruptcy of ATG, Inc. and ATG Catalytics LLC, the Plaintiffs in the above referenced civil proceeding. On August 19, 2005, Your Honor entered an Order in this case granting the motion to dismiss of defendants Preston, Nagel, and Quantum Catalytics as to Count II (fraud) of the Plaintiffs' complaint, and denying the motion as to Count III (negligent misrepresentation). Further, by said Order, Your Honor granted the motion to dismiss of defendants Berman and Jacks as to Count II of the Complaint (defendants Berman and Jacks did not move to dismiss Count III). Finally, by said Order, Your Honor permitted the Plaintiff thirty days to file an amended complaint in order to replead Count II in accordance with the particularity requirements of Fed.R.Civ.P. 9(b).

Please be advised that the Plaintiffs have decided not to replead Count II of the Complaint. Accordingly, we will not be filing an amended complaint at this time. The Plaintiffs intend to go forward with this action on Counts I and III. In the event that the Plaintiffs should uncover facts and information in the course of discovery pertaining to Counts I and III which warrant reassertion of the claims set forth in Count II, the Plaintiffs will seek leave of the Court to file an amended complaint.

The Hon. Richard G. Stearns
September 15, 2005
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Respectfully Submitted,

/s/ Robert M. Fleischer

Robert M. Fleischer
Attorney for Plaintiffs Robert I. Hanfling,
Ch. 7 Trustee for ATG, Inc. and ATG
Catalytics LLC

cc: All counsel of Record in Case No. 1:05-CV-10077-RGS